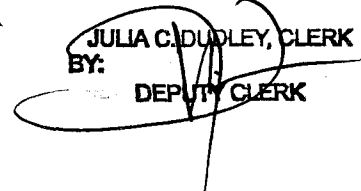


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

OCT 10 2013

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

JOHN LAMER HANCOX,

Plaintiff,

v.

AUGUSTA GENERAL DISTRICT COURT,  
JUDGE WILLIAM GOODWIN,

Defendant.

Civil Action No.: 5:13cv091

By: Hon. Michael F. Urbanski  
United States District Judge

**MEMORADUM OPINION**

John Lamer Hancox, pro se, brought this action on October 1, 2013, against the Honorable William Goodwin, a sitting Judge of the August General District Court, for actions taken by Judge Goodwin in his role as a judge of that court. This court dismissed the case on the grounds of judicial immunity on October 3, 2013. (See Dkt Nos. 5). On October 10, 2013, Plaintiff submitted pleadings that are largely unintelligible. The court was, however, able to glean one comprehensible objection: that one of the authorities cited in the court's memorandum opinion (Dkt. No. 4) dismissing the case, Battle v. Whitehurst, 36 F.3d 1091 (4th Cir. 1994) (per curiam), was unpublished. The court therefore construes these pleadings as motion for reconsideration of judgment (Dkt. No. 6) pursuant to Fed R. Civ P. 59(e).<sup>1</sup> That motion will be denied.

<sup>1</sup> "[I]f a post-judgment motion is filed within ten days of the entry of judgment and calls into question the correctness of that judgment it should be treated as a motion under Rule 59(e), however it may be formally styled." Dove v. CODESCO, 569 F.2d 807, 809 (4th Cir. 1978); see also MLC Automotive, LLC v. Town of Southern Pines, 532 F.3d 269, 277-78 (4th Cir. 2008) (noting CODESCO continues to apply notwithstanding the amendment to Federal Rule of Appellate Procedure 4).

“Although Plaintiff is correct that unpublished opinions do not constitute binding precedence, unpublished opinions can be persuasive when they address questions currently before the Court.” Martin v. Clemson Univ., 654 F. Supp. 2d 410, 417 (D.S.C. 2009); see also Collins v. Pond Creek Mining Co., 468 F.3d 213, 219-20 (4th Cir. 2006) (holding unpublished decisions “to be entitled to the weight they generate by the persuasiveness of their reasoning”). Even more importantly, Battle cites King v. Myers, 973 F.2d 354 (4th Cir.1992), a published Fourth Circuit case, for the proposition of law for which the court cited it—a fact made abundantly clearly in the court’s memorandum opinion of October 3, 2013.

The remainder of Plaintiff’s argument is utterly incomprehensible and warrants no further discussion.

Plaintiff’s motion is therefore void of even the slightest merit. It shall be denied by appropriate order entered this day.

The Clerk is directed to send a certified copy of this Order to the pro se plaintiff.

Entered: October 10, 2013

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge